

## Assembly Bill No. 396

### CHAPTER 280

An act to amend Section 5440 of, and to add Section 5442.9 to, the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor August 31, 1999. Filed with  
Secretary of State September 1, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 396, Havice. Highways: outdoor advertising.

The Outdoor Advertising Act regulates the placement of advertising displays adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal-aid highways. The act, except as specified, prohibits any advertising display from being placed or maintained on property adjacent to a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by persons traveling on the main-traveled way of the landscaped freeway.

This bill would additionally exempt from that prohibition a nonconforming display erected by certain described cities, if the display meets prescribed conditions.

The bill would make legislative findings and declarations.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares the following:

(a) The provisions of Section 3 of this act relating to advertising displays are intended to only apply to small urbanized municipalities of limited population, area, and economic resources, which conditions significantly limit the ability of those jurisdictions to fund their economic development activities and support their essential social services.

(b) The Legislature has previously approved limited exceptions to outdoor advertising provisions for specific cities to identify development projects, business centers, or associations as a means of supporting economic development activities within those particular jurisdictions.

SEC. 2. Section 5440 of the Business and Professions Code is amended to read:

5440. Except as provided in Sections 5441, 5442, 5442.7, 5442.8, and 5442.9, no advertising display may be placed or maintained on property adjacent to a section of a freeway that has been landscaped if the advertising display is designed to be viewed primarily by

persons traveling on the main-traveled way of the landscaped freeway.

SEC. 3. Section 5442.9 is added to the Business and Professions Code, to read:

5442.9. (a) Notwithstanding Section 5440, a city described in subdivision (b) may erect a nonconforming display if all of the following apply:

(1) The display is placed on property that the city has owned since before January 1, 1995.

(2) Not more than one additional display is added to the number of signs within the city that do not conform to this article as of January 1, 2000.

(3) The display is located within the boundaries of the city.

(4) Placement or maintenance of the display does not require the immediate trimming, pruning, topping, or removal of existing trees to provide visibility to the display, unless done as part of the normal landscape maintenance activities that would have been undertaken without regard to the placement or maintenance of the display.

(5) No public funds are required to be expended to pay for the costs of the display.

(6) The display does not impose additional liability on the Department of Transportation.

(7) The display does not cause a reduction in federal aid highway funds, as provided in Section 131 of Title 23 of the United States Code.

(8) All proceeds received by a participating city by allowing the erection of the nonconforming display are expended by the city solely for parks and programs for at-risk youth.

(9) The display does not advertise products or services which are directed at an adult population, including, but not limited to, alcohol, tobacco, and gambling activities.

(b) For purposes of this section, city is any city that meets all of the following conditions:

(1) The city's population is 17,000 persons or less.

(2) The city's annual budget is less than eight million dollars (\$8,000,000).

(3) The city's geographical area is less than 1.7 square miles.

(4) The city is located in an urbanized county containing a population of 6,000,000 or more persons.